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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,436	01/25/2002	Atanas Stoyanov	064754-0012	9655
33401 7590 02/02/2007 MCDERMOTT WILL & EMERY LLP 2049 CENTURY PARK EAST 34TH FLOOR LOS ANGELES, CA 90067-3208			EXAMINER CHANDLER, SARA M	
			ART UNIT	PAPER NUMBER

3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	02/02/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/057,436	<b>Applicant(s)</b> STOYANOV ET AL.	
	<b>Examiner</b> Sara Chandler	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-44 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-3, 7-10 drawn to method/system/computer readable storage media for selecting, from a plurality of retail finance programs, a retail finance program requiring a lowest monthly payment for a particular vehicle, classified in class 705, subclass 35.
- II. Claims 4-6, 11-13, 18-20 drawn to a method/system/computer readable storage media for selecting, from a plurality of retail finance programs, a retail finance program that generates a highest profit for a particular vehicle, classified in class 705, subclass 34.
- III. Claims 14-17, drawn to method/system/computer readable storage media for selecting, from a plurality of retail finance programs, a retail finance program that requires the lowest monthly payment, classified in class 705, subclass 40.
- IV. Claims 21-25, drawn to method for selecting, from a plurality of retail finance programs, a retail finance program for each of a plurality of customers, classified in class 705, subclass 10.
- V. Claims 26-35, drawn to method/system/computer readable storage media for selecting, from a plurality of retail finance programs, a retail finance program that generates the largest profit, classified in class 705, subclass 30.

- VI. Claims 36-40,42,43, drawn to method for selecting, from a plurality of retail finance programs, a retail finance program capable of generating a specified paid reserve amount and calculating a interest rate that causes the selected retail finance must use to generate the specified paid reserve amount, classified in class 705, subclass 38.
- VII. Claims 41 and 44, drawn to computer readable storage media, classified in class 707, subclass 1.

The following inventions are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable.

In the instant case, subcombination I has separate utility such as reporting which of the plurality of retail finance programs has the lowest calculated monthly payment..

See MPEP § 806.05(d).

In the instant case, subcombination II has separate utility such as reporting which of the plurality of retail finance programs has the highest calculated profit amount. See MPEP § 806.05(d).

In the instant case, subcombination III has separate utility such as receiving a second input representing an amount of cash available for loan inception fees. See MPEP § 806.05(d).

In the instant case, subcombination IV has separate utility such as transmitting the entered, collected information from the first and second computer input devices to a

Art Unit: 3693

computer processing device, the computer processing device being configured to select, from a plurality of retail finance programs, a retail finance program according to a customer's information; and. See MPEP § 806.05(d).

In the instant case, subcombination V has separate utility such as identifying, for each of the vehicles, the retail finance program generating the highest profit. See MPEP § 806.05(d).

In the instant case, subcombination VI has separate utility such as reporting which of the plurality of retail finance programs is capable of generating the target paid reserve amount and, for each of the capable retail finance programs, identifying the calculated minimum interest rate that causes the retail finance program to generate the target paid reserve amount. See MPEP § 806.05(d).

In the instant case, subcombination VII has separate utility such as the computer receives an input representing a selection of a retail finance program from a plurality of retail finance programs. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to

Art Unit: 3693

provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

The examiner has not contacted the applicant for election over telephone due to the complex nature of the election/restriction requirement (see MPEP §812.01 (R-3)).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC

 2/1/07  
JAGDISH N. PATEL  
PRIMARY EXAMINER